

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DERRYL WATSON,

Plaintiff,

No. 16-13770

v.

District Judge Linda V. Parker  
Magistrate Judge R. Steven Whalen

CHARLES JAMSEN, ET AL.,

Defendants.

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**ORDER**

On June 11, 2018, Plaintiff, a *pro se* prison inmate in this civil rights action brought under 42 U.S.C. §1983, filed a second motion for appointment of counsel [Docket #68].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

Plaintiff, noting that his first motion for appointment of counsel was denied as premature, argues that since the first denial, the remaining defendants have requested a jury trial. *Docket #68*. However, as stated in my earlier order, it is the practice of this Court to

defer any attempt to obtain counsel for *pro se* civil rights plaintiffs until after motions to dismiss or motions for summary judgment have been denied. Because Defendants' motion(s) for summary judgment are not due until November 15, 2018, Plaintiff's motion for appointment of counsel is premature. If Plaintiff's claims ultimately survive the dispositive motions, he may renew his motion for appointment of counsel at that time.

Accordingly,

**IT IS ORDERED** that Plaintiff's motion for appointment of counsel [Docket #68] is **DENIED WITHOUT PREJUDICE**.

s/ R. Steven Whalen  
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R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: August 28, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was sent to parties of record on August 28, 2018, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla  
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Case Manager to the  
Honorable R. Steven Whalen